

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROQUETTE FRÈRES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 06-540-GMS/MPT
	:	
SPI PHARMA, INC., et. al.	:	
	:	
Defendants.	:	

SCHEDULING ORDER

At Wilmington this **19th** day of **May, 2008**.

WHEREFORE, the Court having conducted a telephonic conference with the parties on April 28, 2008, and in light of the discussions with and *representations made* by counsel during the teleconference, the Court issued certain rulings, including the setting of new schedule dates;

IT IS ORDERED that:

1. Fact Discovery:

a. Document Discovery: On or before **May 30, 2008**, SPI Pharma, Inc. shall produce all documents pertaining to Mannitol HS and Pharmaburst™C1, which shall include production of the same type of information previously produced for Mannogem™ EZ. If the previous production of Mannogem™ EZ included the Drug MAster filed, then that file shall also be produced for Mannitol HS.

SPI Pharma, Inc shall also produce on or before May 30, 2008, all information regarding product, quantity purchased and price received, and all sales

documents through April 2008, pertaining to Pharmaburst™ B1 and Pharmaburst™ B2.

On or before **May 30, 2008**, the parties shall enter into a mutually satisfactory stipulation on Pharmaburst™ B1 and B2 as discussed during the teleconference found at Transcript 12:4-23. If the parties do not reach an agreement, the Court will review whether production of the Drug Master Files for Pharmaburst™ B1 and B2 is appropriate.

b. Depositions: Plaintiff may depose Arun Amin, Colleen Blackney, Paul LoPresto and Peter Dickinson concerning Mannitol HS and Pharmaburst™C1. SPI Pharma, Inc. shall designate one or more witnesses to testify on its behalf pursuant to Fed. R. Civ. P. 30(b)(6) and shall identify each person who is prepared, capable and designated to testify regarding each topic set forth in Plaintiff's Rule 30(b)(6) Notice of Depositions at least forty-eight (48) hours in advance of the deposition.

c. Discovery Cut-Off: All fact discovery shall be initiated so that it will be completed on or before June 30, 2008.

2. Expert Discovery:

a. Disclosure of Expert Testimony: For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due on or before **June 30, 2008**. The supplemental disclosure to contradict or rebut evidence on the same matter by another party is due on or before **July 21, 2008**. Along with the expert disclosure, the parties shall advise of the dates and times of their experts' availability for deposition.

b. All depositions of persons providing expert testimony under Fed. R. Civ. P. 26(a)(2) shall be completed on or before **August 15, 2008**, unless the parties

agree to extend such deadline.

3. Deposition Practice: Deposition length shall be governed by the Federal Rules of Civil Procedure.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE